United Nations A/57/384/Add.1

General Assembly

Distr.: General
20 December 2002

Original: English

Fifty-seventh session
Agenda item 38
The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development

The situation in Central America

Report of the Secretary-General*

Addendum

Summary

The present addendum reports on the closure of the United Nations verification function in El Salvador, which the Organization has exercised since the signing of the country's peace accords in January 1992. The Government, the Frente Farabundo Martí para la Liberación Nacional and particularly all the people of El Salvador, are to be commended for their vision and dedication in leaving behind the legacy of war and constructing a new, peaceful society. Their continued commitment and dedication will be crucial in order to fully realize the four goals that the parties set for themselves in 1990 (an end to the war; full respect for human rights; democratization; and reconciliation) and to overcome the challenges ahead. The present addendum identifies some of these challenges. The United Nations will continue to support El Salvador in its efforts to achieve the fully democratic and equitable society it seeks.

* The present addendum covers developments from October to December 2002 and could therefore not be submitted earlier.

02-75097 (E) 261202

1. The purpose of the present addendum is to inform the General Assembly of measures taken by the Government of El Salvador to comply with its commitment to extend benefits to those left incapacitated by the fighting and to the dependants of combatants who lost their lives on both sides of the conflict. Although the Fund for the Wounded and War-Disabled was created some years ago, not all those eligible have been receiving the mandated payments, in part because of limitations and restrictions in the enabling legislation. It will be recalled that, after reaching a political agreement on this issue with the associations representing the Fund's beneficiaries, the Government had undertaken to reopen the list of potential recipients in order to enable the incorporation of former combatants and eligible family members who had not thus far been included, so that they could begin receiving due compensation. As recorded in the main report, this undertaking constituted the last point subject to United Nations verification.

2. In order to follow up on this issue, the United Nations Secretariat, in cooperation with the United Nations Development Programme (UNDP), has maintained contacts with the Government and the Frente Farabundo Martí para la Liberación Nacional (FMLN). A matter of crucial concern has been ensuring the sustainability of the programme so that the new recipients continue over time to receive benefits. In reply to queries made by the Secretariat, in November 2002 the Minister for Foreign Affairs of El Salvador provided an account of the budgetary and legal provisions taken to guarantee the continuity of the programme, including the allocations made and planned by the Government to the Fund for the Wounded and War-Disabled, in compliance with the political agreement. The Minister also stressed that the extension of benefits under this programme had been enacted into law, a fact that constituted a guarantee of future payments.

3. After overcoming some initial delays, in the last year there has been positive movement on the implementation of the December 2001 political agreement as a result of actions taken to improve the operations of the Fund. The new applicants have already filed their requests and their cases are being vetted and classified with the technical support of UNDP and the assistance and generous contribution from the Governments of Spain, Mexico and Italy. The Inter-American Development Bank has also announced its intention to provide additional cooperation for the Fund's activities. Despite the complexity of ascertaining the applicants' entitlements, the process is gradually moving forward and should benefit from the participation of the associations representing the war-wounded on the Fund's Board of Directors and in other activities. Work to determine the final list of beneficiaries is now well under way and is expected to conclude early in 2003. The issuance of benefits should commence soon thereafter.

4. By providing written confirmation of the measures taken to comply with its future obligations vis-à-vis the new beneficiaries, the Government has made a firm commitment to ensuring the sustainability of the process. In conjunction with the other steps taken to improve the Fund's operations, this confirmation reinforces the December 2001 political agreement and constitutes a significant undertaking to address the needs of a vulnerable sector of the population directly affected by the armed conflict. Continued attention from the relevant national entities will be required to reinforce the Government's decision to provide adequate coverage for the new applicants who qualify. Dealing effectively with this painful legacy of the war will be a sign of continued commitment to reconciliation, one of the main objectives of the peace accords.

5. Throughout the 11 years since the peace agreement was signed, the United Nations has maintained contacts with the Government and the FMLN, closely monitored the peace process and reported periodically on the steps taken to comply with its wide-ranging provisions. As new institutions and democratic practices took hold, the verification function of the United Nations gradually yielded to the relevant national institutions. It is clear that no international intervention can replace the role duly played by domestic mechanisms and institutions. The moment has now come for such mechanisms — as well as for Salvadoran political parties and civil society — to fully monitor State actions and to advocate on issues of public interest, as is the practice in all democratic nations. Accordingly, in the light of the progress achieved on the issue of the war-wounded, the verification function that the Organization exercised following the signing of the peace agreement has come to an end.

The road ahead

6. El Salvador in 2002 is a transformed country. It has made great strides in abandoning conflict and excluding violent confrontation as a means to resolve differences. It has taken considerable steps along the path to democratization. The FMLN is fully integrated into the institutional life of the country. As the main party in the opposition, it holds a considerable share of legislative and municipal power. Freedom of expression is widely exercised, and a lively debate surrounds most issues of public interest. The armed forces have undergone extensive reform and as an institution have withdrawn from the political scene. Impunity is no longer the policy of State institutions, and those that were created or reformed by virtue of the peace agreements have gained in transparency and reliability.

7. Furthermore, in the years following the signing of the accords, El Salvador experienced a period of considerable dynamism and economic growth. Despite a slowdown in the last five years due to a combination of external factors and natural disasters that had a crippling effect on prospects for further growth, the country's economy can be singled out as one of the most stable in Latin America.

8. Work towards full democratization, effective rule of law, an equitable society and the firm consolidation of the painfully acquired peace is far from over. El Salvador is a country in a risky transition towards regional and hemispheric integration, with still fragile institutions, a weak political culture and wide socio-economic disparities. The political scene is characterized by polarization, deep mistrust and verbal confrontation among contenders in the political arena. These attitudes often prevail over a willingness to engage in a serious and constructive debate on substantive proposals to confront the many challenges that lie ahead. The authorities tend not to consult at the societal or political levels on fundamental policy decisions; when consultations are held, they are all too often ignored.

9. Popular participation in the political process and allegiance to political parties have been dwindling as a consequence. This has resulted in an electorate that seems increasingly disenchanted with existing political options as demonstrated by the high level of absenteeism in the last elections, in 1999. This tendency may intensify even further in the municipal and legislative elections scheduled for March 2003. The provision for voting near one's home, expected to take effect in 2004, together

with other reforms in the electoral system that were agreed to in 1995, could help reverse this trend.

10. The legal and institutional reforms underlying the peace accords have yet to reach their full potential, if the benefits of the rule of law and the effective enjoyment of human rights are to reach all Salvadorans. This is a difficult challenge in a country which, as is often the case in post-conflict situations, has seen a steep rise in common crime. The justice system is often slow and many judges are still susceptible to political influence. The system for vetting and evaluating judges continues to be in need of a decisive overhaul to minimize poor or insufficient performance by the judiciary and to ensure that the criteria for the selection of judges are integrity, professional knowledge and merit, and that they are held accountable for their actions. The same is true for the offices of the Attorney-General (Fiscal General) and the Chief State Counsel (Procurador General), which generally lack the resources and expertise necessary to investigate cases and proceed with the required speed and accuracy. As a result of these flaws, many crimes go unpunished and effective access to due process is seriously limited, in fact, if not legally, for a large number of Salvadorans. Decisive action will be required to redress this situation. Such action is also essential to satisfy the demands of a population that, in the aftermath of the war, is increasingly conscious of its rights and willing to defend them.

11. The National Civilian Police (PNC), a key feature of the peace accords, is now strengthening its capacity after a period of deterioration. An in-depth evaluation of its personnel resulted in the dismissal of up to 1,200 officers and agents from all ranks found to be corrupt or implicated in other crimes. Thanks to these drastic measures, the PNC has regained some of its early prestige and the confidence that the population had placed in it after the signing of the accords. The establishment of the Human Rights Division within the police is a significant step in the right direction. In order to comply completely with the accords, PNC wrongdoers should be held fully accountable before civilian judicial authorities. Only in this fashion will this institution be consolidated as a true agent of law and order in a democratic society. It is incumbent upon the Government, the political parties and civil society, from their respective positions, to encourage the continued professionalization and reliability of police officers as guarantors of security for all sectors of the population.

12. The Ombudsman's Office (Procuraduría para la Defensa de los Derechos Humanos), which went through a period of ineffectiveness, is now recovering its envisaged role as an independent watchdog for the protection of citizens' rights. In order to strengthen its capacity, the ombudsman will need additional resources. It is the responsibility of the State to provide adequate resources for the ombudsman, comparable to the budgetary allocations of other key justice sector institutions, such as the offices of the Attorney-General and the Chief State Counsel. Also necessary is a serious commitment from all State institutions entrusted with ensuring due process and respect for human rights, which include the Ombudsman's Office, to cooperate and to respect each other's unique role. This cooperation would advance the rule of law, while enabling the ombudsman to play a key role in consolidating the achievements of peace and democratization.

13. Among El Salvador's greatest challenges in the future is overcoming widespread economic and social exclusion. After a period of rapid growth that

enabled the country to advance 10 steps in the human development index, the economy has slowed in the last five years and suffered a severe setback as a consequence of the earthquakes of January and February 2001. El Salvador is heavily dependent on remittances from abroad, by far its highest source of income, with offshore assembly plants in second place and a depressed agricultural sector, particularly after the current slump in coffee prices, a distant third. This severely affects the rural population, which constitutes 40 per cent of the total. According to the human development index, inequality of income continues to be among the world's highest: as a percentage, the richest 20 per cent of the population earns 18 times as much revenue as the poorest 20 per cent. In countries classified in a high human development category, this ratio stands at five. Furthermore, approximately half of El Salvador's inhabitants have incomes lower than that required to cover their basic needs.

14. The UNDP *2001 Human Development Report* provides a useful platform for national action and international cooperation in the period ahead. It suggests moving on several fronts: the establishment of institutional spaces to debate, and agree on, essential State policies based on a common vision for the future of El Salvador; reform of the electoral system, including enabling the many citizens living abroad to cast their ballots in elections; a national strategy to fight poverty; a revision of strategies to achieve growth; a pact on fiscal responsibility; measures to strengthen key markets; and a more active participation of the citizenry and the media in exercising democratic control over public policies.

15. El Salvador stands at a crossroads. This is a moment for reflection. In recognizing the vision and courage that inspired the Government of El Salvador and the FMLN when they negotiated and signed the peace agreements, and above all, in acknowledging the valour and endurance of its people, I urge them to draw inspiration from that key moment in their history to face the challenges of today. The peace accords are a blueprint for realizing the aims of peace, respect for human rights, democratization and reconciliation that the parties had set for themselves when they engaged in negotiations. I encourage them to persevere on this path. It is by regaining the spirit of understanding and consultation that prevailed at that crucial time that they will be able to consolidate the achievements of peace, overcome the many difficulties ahead and forge a better life for themselves and their children.

16. I take this opportunity to express my gratitude to the international community for its valuable commitment to and support for the peace process in El Salvador. The political support of the Group of Friends — Colombia, Mexico, Spain and Venezuela — was most valuable during the negotiations. During implementation, the Friends were joined by the United States of America and continued to contribute positively to the process.

17. During the implementation of the accords, the Governments of Austria, Canada, Denmark, Finland, France, Italy, Japan, Mexico, the Netherlands, Norway, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States provided crucial financial and technical cooperation. Their support for the process and the trust placed in the United Nations system are greatly appreciated.

18. The United Nations will continue to support the goals of peace, democratization and rule of law through its programmes and projects, as well as

through its reports on the situation in Central America, as in the case of the other Central American countries. The challenges faced by the Salvadorans in the construction of an equitable society are still enormous. I call upon the donor community to continue supporting El Salvador in its efforts to eradicate poverty and to consolidate democracy. Enlightened international cooperation, in collaboration with United Nations funds and programmes, will continue to be required and should constitute a strong element of support for national initiatives to construct and consolidate a just and equitable society.